P. F. 58 of 96

G. R. S. IX-5]

Previous references.

1895-96
~~192~~
(L R.)

File No. 129 of 95

Serial Nos. 1 to 7

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 7

in ~~Part~~ B for November 1897.

SUBJECT.

Disputes regarding the encroachments on cultivation of Lot 23 in Kanara Bara recently, Measurement and Settlement.

Continued

Gardener
4/11/3

WD 2233—GPB—20,000—14-6-20

Before the Government of Mysore.

Appeal No. 84 of 1895-96.

Appellant.	Vs.	Respondent.
Kodagu Ramaiyar		(1) Linda setti (2) Subba Setti

Appeal against the Dy. Comrs order fining the appellant for unauthorised cultivation of 3 acres 26 guntas of land in S. No. 12 of Kenane Kaccavan Halli Manjinabad Taluk

List of papers

(1) Dy. Comrs endt. No. 1928 d 22.7.95.
(2) appeal Petition.
(3) Offi Inquiry No. Pet/1297 d 17.1.96.
(4) Dy. Comrs report No. 410 d 9.11.96
(5) Precis of the Memorandum sent.

3/ for 1870-71

In the Register of Deeds ~~for~~ filed with the record the northern boundary of a plan of survey No 12 is given as Talemarada Meerguudi Kallu" In the deed of sale bearing date the 8th which is dated Sept 14. 1836 the boundary is mentioned as forming the northern limits of ~~Survey~~ Map No 11. This boundary mark seems to be a permanent one & should be capable of being identified. The land should be carefully investigated by the Asst of the Taluq or an agent & the position of the well & stone mentioned above must be ascertained. If this is found ~~to~~ beyond doubt the position of it must be marked on the survey plan filed with the record - If it is found it should be submitted to show why the boundary of No 12 in 1871 became the boundary of No 11 in 1876. The investigation should be made in the presence of both the parties & a clear report submitted on the subject

12-3-97

No 16	25.10.89	Mr Fernandez of Mangalore applied for a portion of Survey No 102 of Kankanady village in the Mangalore Taluk. The Dept Commissioner Mr. Pinney ordered
No 15	11-89	
No 13	9-11-89	the member (102) Mr Rhoded
No 25	21-2-90	with a view to his having a grain at- tached for coffee cultivation at a public sale. In accordance with the instructions
No 13	20-12-89	issued on the subject the Protect Surveyor Rhoded the members nos 102 & 112 and submitted a report.
No 116	25-7-90	As her Dept Commr memo the General Assistant Commr called for 112. One Bhaskar Kamath applied
No 20	8-8-90	Complained that about 10 acres out of his land that about 10 acres out of his land Survey No 111 which he had purchased from one Kempe Gowda & which land Survey No 103 had been included

at the survey in the beginning No 112
Government Kharab & that
being contained in the newly subdivided
No 112 they had been sold by the
Govt after Consd. The sale deed was
produced with the Complaint petition
under the Dept Commissioners the
petitioner was directed to remove No 36 20-1-91
within a week his old Patta Letter 37
references but he failed to do so 40
in connection with the sale of land
No 112 except the disputed portion No 38
the Dept Comm directed the
inquiry whether the disputed No 39 29-5-91
portion was in the enjoyment of
the petitioner & whether it was cult-
ivated. The Amildar reported
that from the inspection & enquiries No 43 27-8-91
he had ordered it appeared that No 59 16-11-91
there were standing thereon coffee
plants of 4 or 5 years standing
each. The similar was thereupon No 60 27-11-91
directed to make a ~~further~~
personal inspection & submit No 64
a report as to whether the portion No 65

5

planted as the Coffee was included in the land sold by the Govt. authorities for Coffee Cultivation whether it was within the limits specified in the Inaji Patta of which the petitioner had produced a certified Copy. The Amildar accordingly inspected the plot personally & reported that the Inaji boundaries specified in the Certificate were not identifiable there being no permanent land marks & that there were no such artificial marks of possession as an enclosure, a trench or a hedge by which petitioner could say that his possession of land under the patta extended beyond his present survey No 103. Thereupon the Asst Collr modified his order and directed that the disputed portion should be formed into a separate number. Accordingly the Revenue Surveyor formed it into Survey No 114 measuring 3 acres 3 guntas

No 62	22.12.91
No 63	23.12.91
No 25	26.12.91
No 124	———
No 154	5.2.92

~~No 155 3.6.92~~

No 121	11-1-92
No 95	21-1-92
No 96	21-1-92
No 92	20.3.92
No 94	

This was decided by the Sub Court
the issue and the petitioner appe-
lleying from him the assessment
for heavi years of enjoyment to-
gether with a fine at the rate
at which the whole Service, viz
112 Lachhas sold by the Land
Asstt Commr. Petitioner P. Ramayya
failed to comply with the demand
order in his case. On the Amildar
reporting the failure the Deputy
Commr ordered that the petitioner
should be dispossessed of the
land (Rs 112) which should be
treated as Government waste
& that an account of his un-
authorized cultivation of the
the assessment on the land
for the period of cultivation viz
Rs 74-8-- together with a fine
Equal. viz - Rs 112-0-0 -- altogether
should be levied from the petitioner
In obedience to this order petitioner
was served with a notice to show
cause why the amount of assessment

No 100 31-3-92

No 135 3-6-92

No 138 20-11-93

No 141 21-12-93

No 136 20-3-94

No 138 19-4-94

~~No 139 27-11-94~~

No 147 20-7-94

No 139 27-11-94

-ment was issued prohibiting the
entry by the petitioner o
the land which was Governmen
In the meanwhile petitioner K.
Ramenger submitted a petition
to the late Mr. Keshiaswamy Iyeng
in regard to his predeceasor's post
decision without referring to the
second Appeal decision. Records
were called for. Finding that the
matter preferred by the petitioner
had been already disposed of by
his predeceasor Mr Keshiaswamy
Iyengar gave an endorsement
declaring the grounds on which his
petition had been rejected. Petitione
now brings an appeal Governmen
plausibly against this endorse-
ment of the late Mr. Keshiaswamy
Iyengar but really against the
order of Dept. Court Mr. Purnaya
passed more than two years
ago.

No. 99 30-9-94
16-12-94

No. 155 7-7-94
No 155 25-2-95

No. 164 8. 2. 95
No 154 10. 3-95

No. 167 22.7-95
4-11-95

No. 169 18.7-95

3-12-95

No 136 19-4-94

Note:—
Petitioner Bhurdwar
Ramengar's Contention is —

that he purchased from one Kempl
Gowda in 1876 Coffee land
Survey No. 11 – Survey No. 103 of
Konway Basavanahally village
the Seringapatam Taluk, & that
he has been in possession of the
land as specified by bound-
aries in the Putta granted by
the late Chief Commissioner in 1864
& a certified copy of which he
has produced: but that the Survey
department have not demarcated
it according the specified
boundaries. The Amildar has
reported that the boundaries
specified in the putta are
not identifiable & that petitioner
has not any encroachment or sur-
rounded his possession with any
enclosure & that therefore there
is nothing to show that his holding
under the putta extends beyond
his Survey No. 103. According
the putta the petitioner is
entitled only to 6 acres 1 odd
whereas Survey No. 103 in his

9

holding corresponding to Map No. 1 of the said settlement is accepted. The Petitioner admits that he has never paid Government more than the assessment on their land.

The additional extent of land he claims is more than 8 acres & has been formed with Khod kerry No. 114. Petitioner was offered this for a fair price together with the land of proceedings for the period of encroachment. He failed to comply with this requisition. Then the order for disposession was passed & levy of fair assessment authorized. This order was passed on 19-4-94 & it is apparent that the petitioner has really appealed to Government.

Respectfully submitted.

KBR.

27/11/96

The Dy Comr's further report has been received

=

The main results – in which both the Asst Comr who inspected & the Dy Comr are agreed – are

(1) That the "Tale maruda veeru gunni kalla" forms the northern boundary of map No 11 (Survey No 103)

(2) That from inspection it appears that the above mark is distant 5½ chains (or) from the northwest boundary mark of Map No 11 (S No 103)

=

The Asst Comr tries Dangal that map No 12 Specified in the Govt order is wrong. & the Dy Comr controverts that view

The fact however appears on a careful comparison of Serial Nos 6 & 18-7 in the Ve. the (Schedule No 12) that No 12 as used in Sendra the Patta Register seems to be used in a peculiar sense, there being a separate Column for "Patta Number"

Recd

Papers connected with the petition of Khuntar Ramappa objecting to part of the Regd Grant Order of the Regd Grant Inam for unauthorised fencing done for offer land in Survey Basavanahalli in Kasaba Hmgenahalli Taluk

Submitted

BM.

27/11/96

work is not followed up in
the case of chaltha no 12
From the boundaries of
Chaltha no 12 (on chalkhund)
it appears that there
are 2 plots whose boundaries
correspond exactly with
those given in the Repstry
Coffee Patta (serial no 64)
for maps nos 11 + 12 respectively
It thus appears that the
chaltha no 12 (referred to in
the Govt order as 2 no (2) includes
maps nos 11 + 12 but the
patta or Repstry does not
give separate names to each
of the two plots

The asst. Conr's report
contains a sketch of S no 103
(in the poss. of pet.) + S no 114 (wh is
now claimed by pet.) showing the
boundaries of S no 103 as given in
the Repstry referred to above. It
appears from the position of

x The area for maps nos 11+12
in both is 8 acres, 25 Hodes.
+ 27 1/16

"Take Maraba Meru Gundi Kal"
that it cannot form the
northern boundary of S no 114
& that S no 114 could not
have been included in any
grant of S no 103
It appears moreover that S no 103
was measured many years ago
The land S no 114 appears to
have been made over
to an unsuspected purchaser
The case has been once heard
1894
M 7/9/97
Let this be
posted for more
evidence
to be taken
hearing
12.9.97
M 7/9/97
Bring up for further
hearing
M 14/9/97

12

13

Before the Government of Mysore.

Appeal No. 84 of 1895-96.

Appellant.	Vs.	Respondent.s.
Ramiyya Ranganatha		1. Gundasetti 2. Subbasetti

Dispute regarding S. No 114 of Kanive Bellavanhalli, Manjarabad Taluk.

(Vide list of documents.)

There seem to be no grounds for any interference - The boundaries of the Sirkar land have been clearly identified and fixed - These marks comprise the survey No: 103 altho the north west boundary mark which is called Neerugundina Kallu is said to be situated five and a half chains away from the northern limit of this number - The actual

extent included in S. L. No 103
is more than the Township
recorded area in the Patta
of the Petr - In the result therefore
the Petr has got more land
than what he was entitled
to under the Patta.

It is beyond doubt that
the disputed portion which
is now numbered 114 by
the Survey Officer did not form
part of his holding - for
the northern boundary stone
already referred to is far to the
south of it. His cultivation of
that land is therefore an act of
encroachment for which he was
properly fined - The Distt authorities
gave him an opportunity to
pay an upset price for it and
acquire the land, but the Petr
failed to avail himself of
the benefit of that order - The
land was then sold to Counter-
Petr ~~for Rs 600~~ for Rs one hundred ~~to~~

18-10-97

per-acre - Mr Greenaway said
by the Counter Pets & the
land is now in their possession
they say they have improved
it at a great cost. The Pets
is not entitled to this land &
he cannot obtain possession
of it - His eviction cannot
be deemed to be improper -
Both this act of dispossession
deprived him of all the benefits
resulting from his outlay
on the land, and as an act
of grace it is deemed proper
to reduce his fine by one-half
and direct the refund
of this money to the Pets. Rama
Reyngar - With this modi-
fication the order appealed
against is confirmed.

18-10-97

H.C.

(1)

1895

No. 1928

Name of Petitioner, Koraga Kamagunga

Village, Khatalur

Taluk, Kupan

District, — do —

Date of Arzi, 2-12-95

Date of Receipt, 3-12-95

Date of Disposal,

No. of Enclosure, one

ABSTRACT.

Appealing against the Kupan dist. Deputy Coll.'s order which stands as follows

"It is seen from the Kanjarakatte Taluk Amildar's report that in spite of the issue of notice and his instructions conveyed thro' office Yadi dt. 15-9-95 & 6 to the Gen. Appellant, ordering him to collect the amount from you & the Amildar to collect the amount fixed by him for your lands encroached & cultivated assessed at Rs. 12 for Survey No. 26 of land in S. No. 12 of Kanave village, Kanjarakatte Taluk, out of S. No. 12 of Kanave village, Kanjarakatte Taluk, together with the previous year's encroachment and, fine

Transfer Office
Copy Abstract & Papers
for Kupan received with
Collr's Memo dated 2-12-95 Hindi
Sheristadar to prepare &
send abstract in triplicate
for appeal in time
Asst Translator
Kupan

2-12-95

Comparent
with Marathi
& Hindi
Translation

Hindi
10.1.96

L R 12-9-95.1

upon the Kist thereon in your name, you have failed to produce the above amount. Consequently your Cabaram which is granted to you is hereby rejected and orders have been issued to the said Dar. on 19-6-94 directing him to take away from you that portion of land which was unauthorised cultivated by you and include it in Govt waste Land & to collect from you double the Candayam from the year Dhanu to the year Vijaya viz Rs 1142-2-0 & Rs 9-0-0 Paramparam imposed as a fine on you for unauthorised cultivation of the land and adjust it in the accounts."

States that S. No 102 of Agnave Kaavanthalli, Manjarabad Taluk, is in his possession since 16th Sept. 1876. the same being held by him as shown in the said deed which he possesses; That during the Survey Paimaishi about 15 acres of land were taken out of his holding and included in Govt waste; but that in 1892 acres 8 gunta were measured and restored to him; that on the 29th Nov. 1893 a notice was issued to the Petr from the Manjarabad Taluk to the effect that he had incurred a fine of the Candayam under dispute by the said order to collect from the Petr 8 years Candayam viz Rs 74-8-0 from the year Dhanu to year Vijaya together with the said amount viz Rs 90-6-0; total Rs 164-14-0 and then issue the said amount to him; that upon this he complained to the Dist to the effect that he had no reason to pay the said amount; but that the matter was not decided for 2 years; that upon his subsequent petition to the District an order was issued to him to pay double the Candayam of the land under dispute for 8 years together with interest and forego the land which has been ordered to be included in Govt waste and, that since his property was attached as per the above orders he paid the amount above claimed to the Taluk authorities.

Further

18 Further states that he never cultivated the land unauthorisedly and that consequently of the garden hitherto in his possession, were taken away from him and included in Govt waste he would lose his livelihood -

Prays that the ~~gar~~ file of correspondence now in the Lahk. may be sent for and perused; that the garden which had long been in his possession may be restored to him & the Khalt thereon issued to him; and. that reducing the proper assessment of the land the balance may be restored to him

Bllr

12/12.

Pet 1297 Encl Two

20/1/96

19

(2)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1297 dated 2nd Dec 95 received at the Dewan's Office from Ramanayya Pleader, Mysore Civil & Criminal against the order of the Deputy Commr regarding a portion of land alleged to be encroached & retained by Sir

is forwarded, together with its enclosures, to the Deputy Commissioner Mysore District for submission the entire proceedings connected the case against which appellant has preferred the appeal and for report thereon, for the information of the petitioner.

2 The petition may be returned herewith.

L.R 1297-95-2

By Order

Chief Secretary

BANGALORE,

1896

M.G.C.P.E.—19-2-95—1,000

Gen. Serial No. 305

(8)

REVENUE DEPARTMENT
Gl. No. 3760
No. Pet. 262
1896 12 NOV. 96
DEWAN'S OFFICE.

22

L R 129-95-3

From The Dy Commissioner
Bangalore District.

To

The ~~Chief~~ Secretary to the Government
~~Dewan~~ of Mysore.

Genl Department Bangalore

Dated 9th November 1896

Despatched

Received

Enclosures No. 1 Petition.

General No. 410
No. 5. P 1896-97

In reply to his No. 2870 Dated 12th January 96

SUBJECT.

Submitting report on an appeal petition from Ramaiengar of Bharatur Kaipanahalli pleading against the order of the Dy Commr regarding the restoration of land assessed as inam & subsequently resumed

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References (to be entered only in the Dewan's Office.)

Council case (Claim respecting occupation of waste land belonging to Govt. clause (e) 10, of Para II of New council rules).

Petr in his petn No. 277 (Serial No. 3) prays for his being heard.

Sub D 2nd Commr

With a precis (This pleading with which this was made over to me on 5/1/97)

8/1/97

Recd 5 Pm. 8/1/97.

Sent in the usual manner despatches to all concerned

31/1/97

Petn Bring up for posting

1-2-97

Order to issue

M 3/2

Despatched 4 March

M 5/2

Petn 2.11.96 M 13/11

Sent in the papers.

M 13/11

Deputy Commissioner's Office,
Hassan District.

No. 411/5

Dated 24 December 1896.

From

B. S. Krishnaiyar Esqre
Offg Deputy Commissioner
Hassan District

To,

The Secretary to the Government
of Mysore, Bangalore and
Revenue Department,
Bangalore.

Sir,

With reference to official Memorandum No. Ret/1297 of the 7th January 1896, forwarding for report a petition preferred, on stamped paper No. 928 dated 2nd December 1895 received at the Deputy Commissioner's office from Ramaiah & Brother Bangalore Talook, appealing against the order

order of the Deputy Commissioner regarding a portion of land alleged to be unauthorizedly cultivated by him, I have the honor to submit herewith the entire proceedings connected with the case, ending with Periyapatna Amildar's report No. 903 dated 6th May 1896 and to report as follows:-

1. One Thomas Fernandiz of Mavlahore on 28th October 1889, applied for 425 acres of Coffee land in the Hassan and Periyapatna Taluks. 125 acres of land out of Survey No. 102 (Ramgana Betta measuring about 334 acres) in the Kanave Basavanahally village was included in this application.

2. The land indicated was plotted and it measured

Acres.	Guntas bearing Plot No. 112.
155	34

It was advertized for sale on 25th July 1890 and the sale was conducted

conducted by Mr. B. Ramaswamidyer,
General Assistant Commissioner.
Petitioner Bhaetur Ramachar
petitioned the Deputy Commissioner
on 8th August 1890 that 10 Acres
belonging to him had been
included in Hobli No. 112 of the
Kanive Basavanahalli village.
On the petition being referred
to the General Assistant Commissioner
for inquiry, the petitioner produced
a sale deed executed in his
favour by one Kempe Gowda,
and deposed that the disputed
land belonged to him, that
the Kanive Basivanahalli people
had executed a Mahazar
before the Hobli Hoskote Shekdar
on 23rd April 1890, to the effect
that it was included in other
numbers, that he had no other
evidence

to produce his title deeds that he had not been paying the Kandayam due on the land under dispute, that the Khate stands in the name of Kanjee Kempé Gowda and that although he was present at the time of sale he did not urge all these objections.

The Assistant Commissioner, who sent the sale records for the confirmation of the Deputy Commissioner was replied to in his office yadi No. 1143 dated 20th January 1891 that Petitioner Ramaiengar might be given a week's time to produce the map, patta of the land under dispute and

and communicate the result accordingly & notice was issued on 22nd January 1891 which was served on the Petitioner on 7th January 1891. The General Assistant Commissioner reported that Petitioner failed to produce any document as required by the notice. The Dy: Commissioner therefore ordered an inquiry to be made into disputed land was cultivated as lying waste and which Petitioner Ramasamy had any enjoyment thereof.

The General Assistant Commissioner reported that it was proved by the Amildar Mr. Nos. 11 and 12 mentioned in the sale deed and, which alleged by the Petitioner had been, during the Survey, converted into Survey No. 103 of the Kannivadi Patta Valley village and Khanda No. 50 of the Adaikalam Village Pattam Taluk respectively, that Survey No. 103 of the Kannivadi Patta village

was registered in the name of Kunhé Gowda and that it was in the Petitioner's enjoyment, that the Petitioner contended that portion of his land had been during the Survey included in the adjoining Khanad, that he then petitioned the then First Assistant Commissioner that the Survey was not conducted properly and that he was given an endorsement on the 5th September 1877 that nothing could be done as the Petn did not stand in his name, that he represented the matter then to the Deputy Commr of the Kadur District on 30th November 1883 who referred him to the Mysore Inam Commissioner &c.

No such petition as was alleged above, was received at the Inam Commissioner's General Assistant Commissioner's

also

also stated that the Amildar reported that the portion of land alleged to have been omitted from the Petitioners holding during the Survey & which was included in the boundaries given in the Inaji Patta and the same lying to the west of survey No. 103, was in the holding of the Petitioner, that it only measured about 5 acres with some coffee plants of 4 or 5 years standing, and that the Petitioner had unauthorizedly cut the trees and encroached upon nearly 15 acres of land out of Khanda Survey No. 102 of the Kunnikodan Nakadi Village and Survey

No.

No. 50 of the Adalaida Village in the Hassan Taluk - He further added that Petitioner Ramaiyengar's objection was untenable.

The General Assistant Commissioner who was asked to report clearly whether the land containing the Coffee plants (of 4 or 5 years standing) was included in the portion sold in auction, and whether it was actually included in the boundaries shown in the Amji Patta, replied that the Amildar had inspected the land in person and that (vendee's) he reported that the ~~boundaries~~ on the South western direction of Survey No. 103 were not in good order and that the Petitioner had encroached on that side and planted Coffee plants some 5 or 6 years ago, and that the said portion

portion formed portion of Phad No. 112, which had been sold in auction. It was further reported that the boundaries mentioned in the Maji Patta were not such permanent marks as were capable of identification and that there was no bench or hedge to shew that the disputed land belonged to Petitioner

Mr. Syed Nasiruddin, the then officiating Deputy Commissioner of the District, considering all the circumstances of the case directed the recovery of Rs. As. P. A. G. 90. 6. 0 for 8.26 (land under dispute), at 10-7-2 per acre, which was the proportionate price realized at the sale and also a sum of Rs. As. P. 55-14-. to Kandayan for the land

Court for the Petitioner Company for a period of 6 years, commencing from 1st day of March 1893 and ending on the 28th day of February 1899 to the General Assistant Commissioner (See page 29 & 30 in the file)

On 10th December 1893, the Auditor issued a notice to Petitioner to pay (Rs 2-8-0) two annas of the land, and Rs 2-8-0 as Kandayam for 3 years, from 1st day of 1st January, within a week from date of service of notice. The notice was served on him on 2nd December 1893. He failed to pay the amount even till 27th March 1894, when the Auditor reported the matter to the departmentalists.

The Paramaya Commissioner ordered that the objection raised by the Petitioner, which was groundless might be rejected and

and that he be dispossessed
of Acres 8-26 included upon
by him and the same treated
as Government waste. The
Petitioner was also fined twice
the amount of Kandayan
viz Rupees 6 for his unauthorized
occupation.
(Vide order 1st, 10.5 to the
Annexed Abstract dated
19th April 1894)
On 27th June 1894, Petitioner
Ramasamy petitioned the
Deputy Commissioner stating
that he could not pay the
Amount required by the
notice within the appointed
time as he had fallen ill and
was absent from his village;
that he tendered payment
four months after that it
was

rejected and that endorsement was given him by the Amildar. This was sent to the Amildar for report and his application was rejected, as it was found he had not tendered payment in time.

Secondly the auction purchaser of the land in question in the sale held on 25th July 1890 petitioned the Deputy Commissioner on 6th August 1894, that he bought S. No. 153. 34 of land in the auction, inclusive of the land under dispute, for a sum of Rs 1630 and that he was given — possession of lands exclusive of the land in question, which was held back pending the settlement of the rights of the — petitioner, and that, land which

might be delivered over to him, as to grant to any other would seriously inconvenience him

Thereupon the Peramaya issued an order no: 436 dated 6th November 1894, to the Amildar of Dumjabad that the prayer of Subbasetty, brother of Gundasetty, late auction purchaser, for the grant of A. G. 8-26 at the same rate realized in the original auction sale could not be complied with, that the Amildar was to fix the price considering the existing state of the land and that if Gundasetty agreed to pay the enhanced price, it might be recovered from him and the land given over to his possession.

On 10th February 1895 Petitioner Remarked -

34

Ramanayan again presented a petition to the Late Mr. Reginald Lamb praying against the order passed in his case and requesting that the land in question might be conferred to him legal from him the Kandyan Law as the land for the last year.

The records were sent for and on their perusal the petition was rejected the matter having been already decided by Mr. Ramanaya an order was accordingly given on 22nd July 1895.

In accordance with Mr. Ramanayas order No 436 of the

6th November 1894, stated above,
the Guildar inspected the
land in company with Lanchayat
dars, fixed the price of the
land at Rs 100 per acre which
was paid by Lalamaiah.
and gave the land acc. to
his possession

The Appeal petition hereto-
with no enclosure is herewith
returned.

I have the honor to be
Sir,
Your most obedient servant,

Asstt. Commissioner
Gajendragad

ہے۔ اس کے بعد اس کی ذات کا ذکر ہے۔ اس کے بعد اس کی صفات کا ذکر ہے۔ اس کے بعد اس کی نعمتوں کا ذکر ہے۔ اس کے بعد اس کی عبادت کا ذکر ہے۔ اس کے بعد اس کی محبت کا ذکر ہے۔ اس کے بعد اس کی رضا کا ذکر ہے۔ اس کے بعد اس کی ناراضگی کا ذکر ہے۔ اس کے بعد اس کی مغفرت کا ذکر ہے۔ اس کے بعد اس کی رحمت کا ذکر ہے۔ اس کے بعد اس کی جنت کا ذکر ہے۔ اس کے بعد اس کی دوزخ کا ذکر ہے۔ اس کے بعد اس کی قیامت کا ذکر ہے۔ اس کے بعد اس کی حشر کا ذکر ہے۔ اس کے بعد اس کی میزان کا ذکر ہے۔ اس کے بعد اس کی صراط کا ذکر ہے۔ اس کے بعد اس کی شفاعت کا ذکر ہے۔ اس کے بعد اس کی توبہ کا ذکر ہے۔ اس کے بعد اس کی استغفار کا ذکر ہے۔ اس کے بعد اس کی دعا کا ذکر ہے۔ اس کے بعد اس کی ذکر کا ذکر ہے۔ اس کے بعد اس کی تسبیح کا ذکر ہے۔ اس کے بعد اس کی تحمید کا ذکر ہے۔ اس کے بعد اس کی تکبیر کا ذکر ہے۔ اس کے بعد اس کی تہلیل کا ذکر ہے۔ اس کے بعد اس کی تمجید کا ذکر ہے۔ اس کے بعد اس کی تعظیم کا ذکر ہے۔ اس کے بعد اس کی توقیر کا ذکر ہے۔ اس کے بعد اس کی خشیت کا ذکر ہے۔ اس کے بعد اس کی خوف کا ذکر ہے۔ اس کے بعد اس کی رجاء کا ذکر ہے۔ اس کے بعد اس کی محبت کا ذکر ہے۔ اس کے بعد اس کی شوق کا ذکر ہے۔ اس کے بعد اس کی انس کا ذکر ہے۔ اس کے بعد اس کی ہیبت کا ذکر ہے۔ اس کے بعد اس کی جلال کا ذکر ہے۔ اس کے بعد اس کی جمال کا ذکر ہے۔ اس کے بعد اس کی کبریائی کا ذکر ہے۔ اس کے بعد اس کی عظمت کا ذکر ہے۔ اس کے بعد اس کی قدرت کا ذکر ہے۔ اس کے بعد اس کی علم کا ذکر ہے۔ اس کے بعد اس کی حکمت کا ذکر ہے۔ اس کے بعد اس کی رحمت کا ذکر ہے۔ اس کے بعد اس کی مغفرت کا ذکر ہے۔ اس کے بعد اس کی عفو کا ذکر ہے۔ اس کے بعد اس کی کرم کا ذکر ہے۔ اس کے بعد اس کی جود کا ذکر ہے۔ اس کے بعد اس کی سخاوت کا ذکر ہے۔ اس کے بعد اس کی عطا کا ذکر ہے۔ اس کے بعد اس کی بخشش کا ذکر ہے۔ اس کے بعد اس کی نعمت کا ذکر ہے۔ اس کے بعد اس کی فضل کا ذکر ہے۔ اس کے بعد اس کی احسان کا ذکر ہے۔ اس کے بعد اس کی لطف کا ذکر ہے۔ اس کے بعد اس کی رأفت کا ذکر ہے۔ اس کے بعد اس کی ودود کا ذکر ہے۔ اس کے بعد اس کی غفور کا ذکر ہے۔ اس کے بعد اس کی شکور کا ذکر ہے۔ اس کے بعد اس کی حلیم کا ذکر ہے۔ اس کے بعد اس کی علیم کا ذکر ہے۔ اس کے بعد اس کی خبیر کا ذکر ہے۔ اس کے بعد اس کی بصیر کا ذکر ہے۔ اس کے بعد اس کی سمیع کا ذکر ہے۔ اس کے بعد اس کی قریب کا ذکر ہے۔ اس کے بعد اس کی مجیب کا ذکر ہے۔ اس کے بعد اس کی واسع کا ذکر ہے۔ اس کے بعد اس کی حکیم کا ذکر ہے۔ اس کے بعد اس کی ودود کا ذکر ہے۔ اس کے بعد اس کی مجید کا ذکر ہے۔ اس کے بعد اس کی باعث کا ذکر ہے۔ اس کے بعد اس کی شہید کا ذکر ہے۔ اس کے بعد اس کی حق کا ذکر ہے۔ اس کے بعد اس کی وکیل کا ذکر ہے۔ اس کے بعد اس کی قوی کا ذکر ہے۔ اس کے بعد اس کی متین کا ذکر ہے۔ اس کے بعد اس کی ولی کا ذکر ہے۔ اس کے بعد اس کی حمید کا ذکر ہے۔ اس کے بعد اس کی محصی کا ذکر ہے۔ اس کے بعد اس کی مبدئ کا ذکر ہے۔ اس کے بعد اس کی معید کا ذکر ہے۔ اس کے بعد اس کی محیی کا ذکر ہے۔ اس کے بعد اس کی ممیت کا ذکر ہے۔ اس کے بعد اس کی حی کا ذکر ہے۔ اس کے بعد اس کی قیوم کا ذکر ہے۔ اس کے بعد اس کی واجد کا ذکر ہے۔ اس کے بعد اس کی ماجد کا ذکر ہے۔ اس کے بعد اس کی واحد کا ذکر ہے۔ اس کے بعد اس کی احد کا ذکر ہے۔ اس کے بعد اس کی صمد کا ذکر ہے۔ اس کے بعد اس کی قادر کا ذکر ہے۔ اس کے بعد اس کی مقتدر کا ذکر ہے۔ اس کے بعد اس کی مقدم کا ذکر ہے۔ اس کے بعد اس کی مؤخر کا ذکر ہے۔ اس کے بعد اس کی اول کا ذکر ہے۔ اس کے بعد اس کی آخر کا ذکر ہے۔ اس کے بعد اس کی ظاہر کا ذکر ہے۔ اس کے بعد اس کی باطن کا ذکر ہے۔ اس کے بعد اس کی والی کا ذکر ہے۔ اس کے بعد اس کی متعالی کا ذکر ہے۔ اس کے بعد اس کی بر کا ذکر ہے۔ اس کے بعد اس کی توّاب کا ذکر ہے۔ اس کے بعد اس کی منتقم کا ذکر ہے۔ اس کے بعد اس کی عفو کا ذکر ہے۔ اس کے بعد اس کی رؤف کا ذکر ہے۔ اس کے بعد اس کی مالک الملک کا ذکر ہے۔ اس کے بعد اس کی ذوالجلال والاکرام کا ذکر ہے۔ اس کے بعد اس کی مقسط کا ذکر ہے۔ اس کے بعد اس کی جامع کا ذکر ہے۔ اس کے بعد اس کی غنی کا ذکر ہے۔ اس کے بعد اس کی مغنی کا ذکر ہے۔ اس کے بعد اس کی مانع کا ذکر ہے۔ اس کے بعد اس کی ضار کا ذکر ہے۔ اس کے بعد اس کی نافع کا ذکر ہے۔ اس کے بعد اس کی نور کا ذکر ہے۔ اس کے بعد اس کی ہادی کا ذکر ہے۔ اس کے بعد اس کی بدیع کا ذکر ہے۔ اس کے بعد اس کی باقی کا ذکر ہے۔ اس کے بعد اس کی وارث کا ذکر ہے۔ اس کے بعد اس کی رشید کا ذکر ہے۔ اس کے بعد اس کی صبور کا ذکر ہے۔

Proceedings of the Govt. of Mysore

L. R. 129-95-6

Read:

Letter No: 410 dated 9th November 1896 from the Deputy Commissioner, Hassan District, reporting on the petition of Kodagu Ramiengar of Bharthur Hassan Taluk, in the matter of the fine imposed on him by the Deputy Commr for unauthorized cultivation of 8 acres and 26 guntas of land in S. No. 112 of Kanave Basavanhally, Manjerabad Taluk.

Order thereon:- R. 815-7. 8/20/3/97

In the register of Pattas for 1870-71 filed with the record received with the above, the northern boundary of a plot of survey no. 12 is given as "Talemarada Neregundi Kalla". In the deed of sale produced by the Petitioner which is dated September 14, 1876 this boundary is mentioned as forming the Northern limit of Magi Coffee No. 11. This boundary mark seems to be a permanent one and should be capable

of

of being ~~identified~~ identified. The land should be carefully inspected by the amildar of the Taluk or an assistant Commissioner and the position of the well and stone mentioned above must be ascertained. If it is found beyond doubt the position of it must be marked on the survey plan filed with the record. If it is possible explanation should be submitted to show why the boundary of No. 12 in 1871 became the boundary of No. 11 in 1876. The inspection should be made in the presence of both the parties and a clear report submitted on the point.

2. The vernacular records received with the Dy. Commr's letter read above are herewith returned for needful reference and resubmission with his further report called for.

C 2-3 Draft

To

The Dy. Commr. Hassan &c.
with records.

For Secy.
20/8/77

Gen. Serial No. 30.]

RECEIVED DEPARTMENT 1897 28 AUG 97 DEWAN'S OFFICE

40

From

The Deputy Commissioner,
Hassan District.

To

The Chief Secretary to the
Government Bureau of Mysore.
General Departments.
Bangalore.

Dated 19
Despatched } August 1897
Received

Enclosures No. 2 & file
Vernacular papers

General No.
No. 196

In reply to his S/16-1 dt. 4-Augus
D. & 58-96,

SUBJECT.

Submitting further report on the petition from Kadagur Ramiah of Channarayapatna in the matter of fine imposed on him by the Deputy Commissioner for unauthorized cultivation of a certain piece of land out of Survey No. 112, attached to Kanave Bagavanahalli Village, Channarayapatna Taluk.

References—(to be entered only in the Dewan's Office).

Rd. on 25/8/97. Put up 24/8/97

D & 58-96 relating to the subject as per ref.

Submitted
24-25/8/97

Ab
25/8/97

Hd D 2nd Counsellor with
papers Cont'd
24/8/97

R.D.-6-a Rm.
7-9-97.

Posted for hearing on 18th October 1897 at Mysore.

L R 1st 9-95-5

Deputy Commissioner's office,
Hassan District.

No. 196
Secy

Dated, Hassan, 9 August 1897.

From,

The Deputy Commissioner,
Hassan District

To,

The Secretary to the
Government of Mysore,
General and Revenue Depttts.
Bangalore.

Sir,

With reference to Government Proceedings No: 8157 / R.F.58.96 dated 20th March 1897, calling for certain further information regarding the Petition of Kadaya Ramiengar of Bhartur, Hassantaluk, in the matter of the fine imposed on him by the Deputy Commissioner for unauthorized cultivation of 8 acres and 26 guntas of land in Survey No: 112 of the Kanne Baswankalli Village, Manjenahalli Talukdhane

The

The Hond. to submit herewith letter No: 30 dated 4th August 1897 from Mr. Bowring, Assistant Commissioner, who inspected the spot and reported in the matter, from which it will be clearly seen that "Tale' maruda Pengundikallu" forms the Northern boundary of Inaji No: 11 (Survey No: 103) and not of Inaji No: 12 Mr. Bowring tries to shew that the mention of No: 12 in the Government order is a clerical error, as he says that serial No: 11, contained in the Othuvari Register of 1870-71 (Paper No: 167 in the file), embodies Inaji No: 9, which has no connection whatever with the present case, as may be seen from the particulars given therein for that number. But I beg to observe that No: 9 referred to in the Othuvari Register, is not Inaji number, but appears

appears to be the only number of the Patta in which was included Maji nos: 11 and 12 (Survey nos: 103 of Kanné Baswanhalli and the Kharab no: of Adabailu respectively in the holding of one Kempé Gowda, The appellants' Vendor).

2. Maji no: 12 (included in the Kharab of the Adabailu Village in the Hasan Taluk) appears to be situated South east of Maji no: 11 (Survey no: 103 of Kanné Baswanhalli). "Tale'maranada neerugundi Kallu" cannot therefore form the northern boundary of Maji no: 12, but only of Maji no: 11. Mr. Bowring's pencil note on the Sketch (Paper no: 92 in the File), shows that the "Tale'maranada neerugundi Kallu" is only 5 1/2 chains from the bandh forming the north western boundary of Survey no: 103 (Maji no: 11). It is by no means unlikely that the "Tale'maranada neerugundi Kallu" mentioned

44

as The Northern boundary of maji no: 11, though it is situated 5½ chains away from it, since it is a permanent mark of identification in that direction. At the Revenue Survey, what was actually under occupation may have been demarcated and numbered as survey no: 103. Extract from the Coffee Patta Register of 1864-65 shows that maji no: 11 measured only 32560 Sq. yds. = A. G. S. yds. 6. 28. 72, whereas, in the survey, it is measured A. G. 11. 22 including Khanale of 1 acre.

3. The Vernacular papers connected with the case are herewith requisitioned for needful reference and obliging return.

I have the honor to be
Sir,
Your most obedient Servant,

Of the Dy Commissioner,
Thapar District

From Ins 295
6/8/97

H5

In 30 cubes and Vanfile (separately):

Assistant Commissioner's office
Kanjarakad.

Dated: Calicut the 4th August 97.

Bristol Steam Navigation Co

P. Y. Bourne Esqre
Asst Commissioner
&c

Sir,

Adverting to your Inspn
No 324 dated 5th April 97, intimating order conveyed in Govt
Proceedings No 8-6 of 2nd March
P 458-96
97 calling for report on certain
points in connection with a Petition
between Kodaya Kannayan and
Gundasetti regarding Sales & Pur
Gundas Nos 1 of Kanambaramkandy
village Kanjarakad Taluk, Chow

Bristol Steam Navigation Co

the honour to state as follows:

I inspected the land in question with the parties concerned and with village officials and got it measured by the Mojanidar. I found no change in the boundaries of Majiro No 1 in the Division of Ramiengar, which are marked out on the enclosed Sketch marked A now produced by the Mojanidar.

From a close perusal of the various records bearing on the Subject together with survey Reference, I understand that the boundaries of the said Majiro No 1 as specified in the original Saledeed dated 14th September 5th 1876
(Exo 22 in the file), in the extract from the Register of Coffee Estates prepared in 1862-63 (Exo 69 in the file) and in the extract from the Cattimari Register of 1870-71 (Exo 67 in the file) corresponded with one another and showed the slightest discrepancies

regard to the boundaries

#4

From thorough examination of extracts from Survey Registers, I find same. Exhibit is the extract from the Vathuvari Register (No 5th) which the Government took for Register of Pattas of 1870-71. Numbers and Shown in this extract are serial numbers and not Survey Nos of lands in question. Serial No 11 embodies Survey No 1, which has no connection whatever with the present case as may be seen from the particulars given therein for that number. This is evidently a clerical error. But Serial No 12 embodies Survey Nos 1/2 & 1/2 — Now has now been made into S No 103 and it is in the possession of Ramayya and Survey No 12 was alienated & leased & is transferred to Adalaru village in the Adoni Sub Court and is

in possession of a Setaraki land though the same was originally sold to Ramayan by Kempegowda.

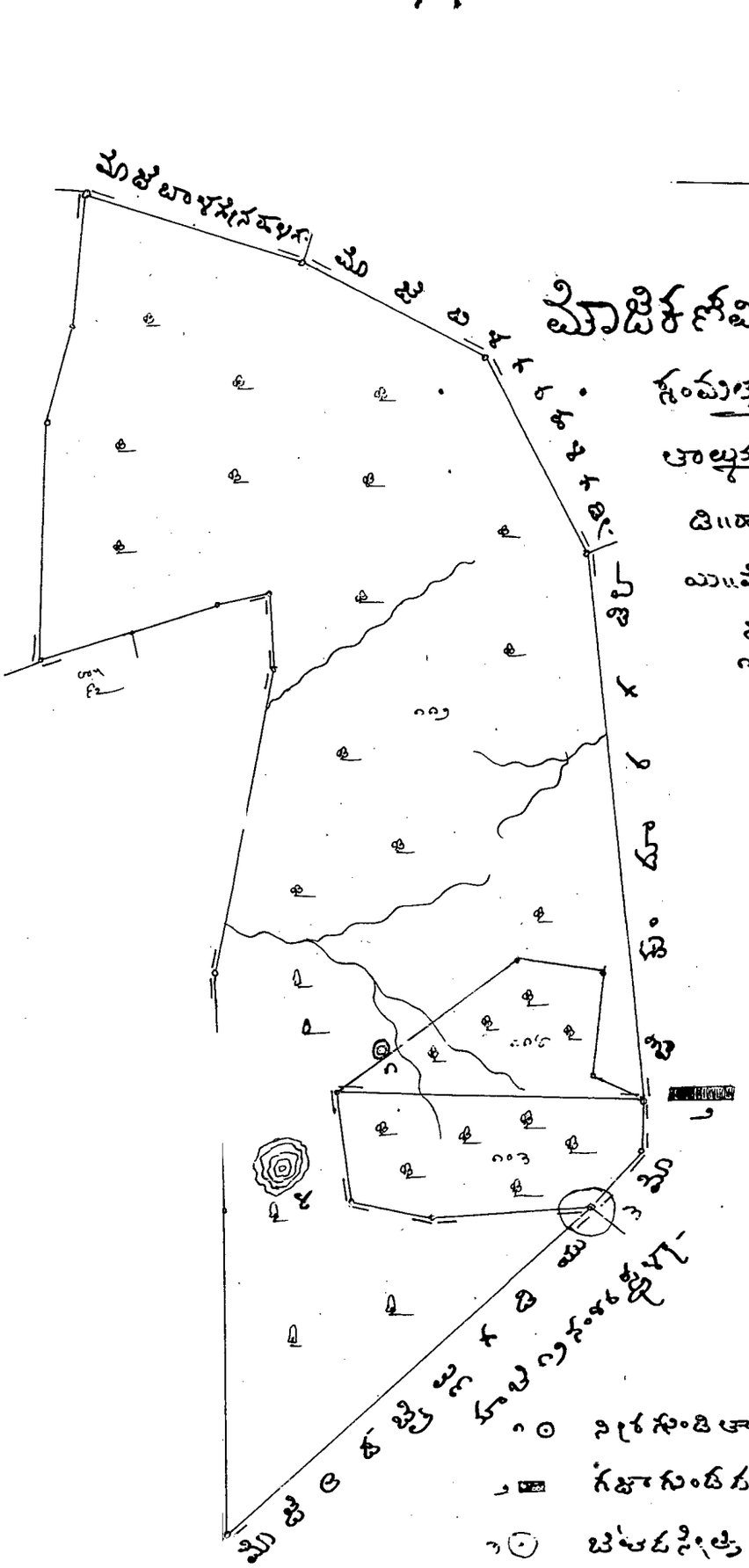
Under these circumstances there can be no doubt that "Talmeeda Neerigundi Kalle" forms the northern boundary of Majilu and not of Ho: as Government presume.—

Regarding the encroachment made by Ramayan I need not say much in the matter as the case has already been disposed of by 3 defunct Commissioners, I can suitably state that from personal inspection I found Hadsalu No 1 formerly formed part of Salu No 112 which was sold to one Gundaretti, and it is now in his possession and enjoyment. Ramayan cannot evidently claim any portion of the said land.

Vernacular records received with the Proceedings under reply are herewith returned.

I have the honor to be
Sir
your most obedient servant
J. H. Cousins
Asst Commr

A



మోడికనోవి బసవనపల్లి

స్థంభాలతో ఉన్న ఇండ్లు

ఆల్మండ్ బాదం

డి॥ బాదాన్ నెగ్

యు॥ మైనూర్

నంద

గుర్తులు

నిర్మాణంలో ఉన్న ఇండ్లు

గడ్డాగుండ్రగళ్లు

బావులు/సీత్రుబూడిద బట్టీలు

బసవిశ్వేశ్వరుల మరియు త్రిశూలం

2. draft

SD

Proceedings of the Govt of Bijapur (13)

L. R. 129-95-6

Read:—

(1) Petition of appeal, No 84 of 1895-96, presented by Kinnaya Ramangar of Bhavalur, Alur Sub Taluk, against the order of the Deputy Commr of Kadur directing his petition of the aforesaid from Survey No 114 of Kanave Basavanhalli in the Manjarabad Taluk, and the levy of a fine of Rs 149 from him for the unauthorized cultivation of the land.

(2) Letter No 410 dated 9th November 1896, from the Deputy Commr Kadur directing re-posting in the above petition.

(3) Correspondence ending with letter No 196 dated 19th August 1897 from the same officer furnishing the Govt with the information called for on certain points in connection with the claim of the ~~applicant~~ Petitioner.

(4) Records of the case which show the facts to be as follows:-

On the application of Mr Fernandez of Rat Mangalam for coffee cultivation, a portion (illegible) of Govt waste land bearing Survey No 102 of Kanave Baswanhalli was subdivided into Survey No 112, and was, at public auction knocked down to the first

Counter Petitioner

§ 2

Counter Petitioner Gundasetti

Pethiah Ramanjaya having

complained that 3 & 4 Ind. of

this land formed part of his

Saint coffee garden Mani No 11

and at the Survey Settlement,

was excluded from his holding

and included in the Govt. waste

land S. No 102, this area was

excluded from the sale and

was made No 114. Though

the Petitioner failed to establish

his claim to the land and

though survey No 103 in his holding

contained more than the

recorded area of [illegible] Manis 4,

the Deputy Commr, seeing that

he had cultivated it with

coffee

ordered that it should be
confirmed to him on payment
of its value at the rate at
which S.No 112 was sold, 14½ Rupees
per acre, and of its assessment
for the period of cultivation.
The Petitioner having objected
to pay this value on the ground
that the land was his own
Deputy Commr, on 10th April
ordered that he should be
evicted from the land and that
a fine of Rs 149 being three
the amount of its assessment
for the period of cultivation
should be levied from him
for unauthorized cultivation of
the land. Gundaletti and his
Subbaletti
brother having prayed for the
grant of the land in question
which

which had been originally included in the Taluk, the land was granted to them in payment of the estimated value of Rs 100 per acre. The present appeal is against the order of the Assistant Collector and fine.

— 4 —

(58)

No. 4061 / P.358-96 Dt. 11.97

Order thereon.

There seem to be no grounds for any interference. The boundaries of the Patteemi's land have been clearly identified and fixed. These marks comprise the Survey No. 103, although the north-western boundary mark which is called "Jalimarada Kiragundi Kallu" is said to be situated five and a half chains away from

from the northern limit of this number. The actual extent included in Survey No 103 is more than the previously recorded area in the Patta and the Sale-deed. In the result therefore the petitioner has got more land than what he was entitled to under the Patta.

2. It is beyond doubt that the disputed portion which is now numbered 114 by the Survey Party did not form part of his holding; for the northern boundary alone already referred to is far to the south of it. His cultivation of that

Sale-deed Also Coffee cultivation is in the plan the land in Survey No 114 is shown as Wasteland

that land is therefore an act of encroachment for which he was properly fined. The District authorities gave him an opportunity to pay an upset price of land regime which but the Petitioner failed to avail himself of the benefit of that order. The land was then sold to the Petitioners at one hundred rupees per acre. This price was paid by Petitioners and the land was in their possession. They say they have improved it at a great cost. The Petitioner is not entitled to

this

Sd.
The Petition is
may be Rejected.
dft.

this land and he cannot retain possession of it. His eviction cannot be deemed to be improper. But the act of dispossession deprives him of all the benefits resulting from his military service in the land, and, as an act of grace, it is deemed proper to reduce the fine by one-half and direct the refund of this money to Petitioner Remington. With this modification, the order appealed against is confirmed.

Draft
C.J.
To The Secretary of the Interior
Attention Assistant Solicitor
Lands.

For Secretary.
3/11/97

+ 29 Record

4-11-97

L.C.
2/11/97.

[illegible]

[illegible] 1897 [illegible]

[illegible]

By order

Draft

For Secretary

[illegible]

[illegible]

3-11-97

By order

For Secretary

S.V. 3/11/97

3/11/97

61

2 drafts submitted for approval

Done

M. 3/11/19